

IF YOU HAVE A
CONSUMER COMPLAINT



ATTORNEY GENERAL OF TEXAS

GREG ABBOTT



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Attorney General
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CONTACT information

For more information or to obtain copies of brochures, call the Attorney General's Consumer Protection Hotline at (800) 621-0508, or contact your nearest Attorney General regional office.

- Austin: (512) 463-2070
- Dallas: (214) 969-5310
- El Paso: (915) 834-5800
- Houston: (713) 223-5886
- Lubbock: (806) 747-5238
- McAllen: (956) 682-4547
- San Antonio: (210) 225-4191

All consumer complaints must be made in writing. Please call or write for a complaint form. Write to:

Office of the Attorney General
Consumer Protection Division/010
P.O. Box 12548
Austin, Texas 78711-2548

Complaint forms and additional information can also be found in the consumer protection section of our Web site, at www.oag.state.tx.us.

CONSUMER complaints

Few things are
more frustrating than
paying hard-earned money
for a product or service
only to discover
that it doesn't
measure up
to the promises
made about it.

IF YOU HAVE if you have A CONSUMER A consumer COMPLAINT complaint



When that happens, you have a legal right to expect that the problem will be resolved or that your money will be returned. Even careful buyers get stuck now and then. In such a case, you will want to know where and how to proceed to get the best results.

FIRST CONTACT the business

Take your problem to the salesperson, manager or company's customer service representative. Most problems are resolved at this level. If you are still not satisfied, contact the owner or the company's headquarters.

THEN REPORT THE PROBLEM to the Attorney General

If the business will not resolve a problem directly, you can file a written complaint with the Office of the Attorney General. A written complaint should explain in detail, with documentation, what the problem is, who it is with, and what you have done to try and resolve the issue. In particular, the complaint should:

1. Identify the Business. Include the name and current address of the business. This agency will not be able to investigate without a current address for the business.
2. Describe the Problem. You should describe as completely as possible the problem with the product or service you purchased. Were you told something that was untrue? If so, the complaint should describe what was said and how it was untrue. Is there a defective product? Explain the defect in detail.
3. Explain What is Wrong. Did the business refuse to honor a warranty? The complaint should explain what repairs are needed and include a photocopy of any warranty.
4. Include Photocopies. The complaint should always include photocopies of documents relevant to the complaint, including receipts, warranties, both sides of canceled checks, contracts, etc. Do not send originals, except upon request of the agency to which the complaint is being made.

FILING A COMPLAINT with the Office of the Attorney General

If you contact our office for assistance, we will send you a complaint form to be filled out and mailed back to us. If we decide your complaint indicates a possible violation of consumer protection statutes, we may ask the business to respond to your allegations.

If at any time we need more information, we will contact you. If you need to provide us with additional information, please do so in writing.

After reviewing your complaint, we may refer you to another agency. Often a state, federal or local agency will have more expertise than our office to handle a particular consumer problem. In such a case, we will keep your complaint on file to help us monitor business practices in the marketplace.

IF YOU FILE A COMPLAINT with the Attorney General

If you file a consumer complaint with us, please understand the following:

WE CAN ONLY FILE SUIT to protect the public interest.

Our office files suits against companies that violate the laws protecting consumers. We file these lawsuits to protect the public interest. Whether a lawsuit is in the public interest depends on several factors:

- Severity of the case in terms of economic loss or the number and gravity of law violations;
- Possibility of halting a deceptive scheme quickly;
- Extent to which consumers will benefit from public enforcement;
- Costs of enforcement as compared to the benefits to the public; and
- Likelihood of collecting penalties and restitution from the business.

A LAWSUIT MIGHT NOT RECOVER Money for Consumers.

When filing suit to stop illegal business practices, we make every effort to recover actual damages suffered by identified consumers hurt by the business.

However, in some cases it is simply not possible to recover actual damages.

For example, a company's practices may have affected so many people that it is impossible to prove each person's damages. A company facing a lawsuit may go out of business, the owners may not be held legally responsible or they may simply disappear to avoid punishment. Finally, a company may have used up or hidden its money and other assets, leaving nothing with which to repay consumers.

In such situations, we may file suit to stop illegal practices even though we know we will be unable to recover consumers' money.

WE CANNOT ACT AS Your Private Attorney.

State law prohibits our office from giving individual citizens legal advice or opinions or acting as their private attorney. We cannot file a lawsuit whose only purpose is to recover money or property for a single person. In those instances, it is appropriate for you to seek legal advice from a private attorney, legal aid society or other organization.

OTHER OPTIONS other options FOR RESOLVING for resolving COMPLAINTS complaints

If you are not able to resolve your dispute by working with the business directly, a number of other options are available.

ALTERNATIVE DISPUTE RESOLUTION arbitration or mediation

You may be able to resolve your complaint through arbitration or mediation. In arbitration, a neutral party hears both sides of a complaint and makes a decision

that will be binding on the parties, depending on the terms of the arbitration agreement. Usually, both sides formally agree to submit the dispute to an arbitrator. In mediation, a neutral party tries to get both sides to agree on a resolution of the complaint. Dispute resolution can begin without any formal agreement between the parties.

Most cities have a Better Business Bureau (BBB) that offers complaint mediation services. In some cases, the BBB also provides arbitration services. Some businesses pledge to arbitrate all consumer complaints filed with the BBB that are not resolved by mediation.

Many cities have private mediation or alternative dispute resolution centers. They are usually non-profit and charge either no fee or a small fee. A list of alternative dispute resolution centers can be found at the end of this brochure.

JUSTICE OF THE PEACE OR small claims court

Counties have special courts established by law to handle small claims. The filing fees are usually much less than those charged in the county or district courts and the proceedings are less formal, with citizens often representing themselves. In these courts, consumers may present their side to the judge, using the same information they would include in a complaint, and bringing any documents or witnesses that are relevant.

OTHER SOURCES

other
sources

There are a variety of public and private sources that may be better able to help with resolution of consumer complaints.

LOCAL CONSUMER offices

Some cities and counties have consumer affairs offices or other programs to assist consumers. Check the blue pages of your phone book.

LAW SCHOOL legal clinics

Some law schools operate legal clinics at which law students assist people under the supervision of a law professor or other lawyer. Each law school can provide you with more information about their programs.

LEGAL AID or legal services

If you cannot afford a lawyer, you may be eligible for federally funded legal assistance. Look in the phone book under “Legal Aid” or “Legal Services.”

CONSUMER reporters

Some television and radio stations and newspapers have consumer reporters who help people with complaints.

TRADE associations

Many industries have trade associations that perform a variety of functions, often including resolution of complaints against their members.

FEDERAL TRADE commission

The FTC enforces fair trade laws and may help consumers resolve complaints. The commission has a regional office in Dallas. You may reach them at (214) 979-0213.

OTHER STATE attorneys general

If your complaint is against a company in another state, you may be able to get help from that state's attorney general.

ELECTED representatives

Members of Congress, state legislators, city council members, county commissioners and other elected officials may help constituents with consumer complaints. These are also the people to contact if you believe that there should be a law to protect consumers from a particular problem.

PRIVATE attorneys

If a complaint cannot be resolved informally, or if it involves a large amount of money, you may want to seek the services of a private attorney. Because it is expensive and time-consuming, litigation is usually a last resort. The State Bar of Texas and many county bar associations operate lawyer referral programs. Often there is only a small fee for the initial consultation.

SPECIAL special PROBLEMS problems

Some consumer problems may require some extra steps to resolve.

CREDIT CARD purchases

In a credit card purchase dispute, the card issuer may credit your account and charge the item back to the business if you follow certain steps.

1. Write to your credit card issuer at the address for errors or inquiries found on your billing statement.
2. Include vital information such as your name and account number, the date and amount of the disputed transaction, and the business name and address.

3. Describe the dispute. Explain in detail actions you have taken in good faith to resolve the complaint and why you feel the business should not be paid.
4. Send photocopies of any papers or other documents you believe relate to the transaction. Do not send originals!

If the card issuer charges the item back to the business, the business must then try to collect the disputed amount directly from you. You or your attorney may wish to consult the federal “Truth-in-Lending” regulations (12 C.F.R. 226.12 and 226.13).

COMPANY MOVED or out of business

Perhaps the most frustrating consumer complaint is one against a company that is out of business or that has moved without leaving a forwarding address. Such complaints are difficult to resolve. Even agencies that assist consumers may not have the resources to find these companies or their owners.

In some rare instances, you may recover some of your money if the company has filed bankruptcy. To have any chance, you must file a “proof of claim.” Obtain a claim form from the clerk of the Federal District Court in which the business has filed for bankruptcy, fill it out, then return it to the clerk. Bankruptcy cases can be very complex, so you may wish to hire an attorney to help—especially if the claim is large.

CLAIM AGAINST a government agency

If your complaint is against a government agency rather than a business, you should contact the elected officials with authority over that agency. For example, if it is a federal agency, you would contact the U.S. Representative or Senator in your district or state. If the complaint is against a state agency, contact the director of that agency. For a local agency, contact a city or county official. For more information, contact your nearest attorney general regional office (listed on the back of this brochure).

CONSUMER consumer INFORMATION information

The Office of the Attorney General has brochures on the following topics in English and Spanish, available upon request:

- Access to Health Care
- Business Opportunities
- Buying A Used Car
- Car Repair
- Charitable Raffles
- Credit Cards & ATM Cards
- Debt Collection
- Door-to-Door Sales
- Giving to Charities
- Home Improvement
- Mail Order Sales
- Protecting Senior Texans
- Telemarketing Fraud
- Overview of Tenant Rights